

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

LULAC, *et al.*,

Plaintiffs,

v.

GREG ABBOTT, in his official capacity as
Governor of Texas, *et al.*,

Defendants.

Case No.: 3:21-CV-00259-DCG-JES-JVB
[Lead Case]

BROOKS PLAINTIFFS' NOTICE OF OPTIONAL COMPLETENESS EVIDENCE
UNDER FEDERAL RULE OF EVIDENCE 106

On June 7, 2021, State Defendants played into the record excerpts of video recordings from Joint Exhibits 4262 and 4263 with witness Senator Joan Huffman. These recordings clipped questions and answers from Senator Huffman's presentation of the state senate map during the 2021 legislative process. In some instances, State Defendants offered answers to particular questions out of sequence or paired with different questions that were not connected to the answer played. In other instances, State Defendants omitted the question providing context for Senator Huffman's response. Because the State Defendants did not provide Brooks Plaintiffs with their clips in advance, Brooks Plaintiffs were unable to contemporaneously complete the record at the time the clips were played. *Cf.* Fed. R. Civ. P. 106 (allowing a party to complete a partial statement at the time it is introduced into the record). Pursuant to Rule 106, Brooks Plaintiffs hereby submit two sets of excerpts of the transcripts of the legislative proceedings clipped by State Defendants that complete the partial statements. *Id.* For ease of reference, Brooks Plaintiffs have highlighted the portions of the transcripts played in Court by State Defendants in green, and the omitted portions of the transcripts in yellow.

I. State Defendants' Clip 6 (JEX 4263 – Video; Brooks Ex. 52 – Transcript).

State Defendants played the following excerpt from the September 24, 2021, Senate Special Committee Redistricting Hearing on the state senate map. Brooks Ex. 52 at 12:6-22.

6	SENATOR POWELL: That's correct. In fact, I
7	have a question for you. Who -- who drew these maps?
8	SENATOR HUFFMAN: I drew the map along with
9	my -- two attorneys and my -- who are members of my
10	staff.
11	SENATOR POWELL: And who are those attorneys?
12	SENATOR HUFFMAN: Anna Mackin, who's sitting
13	right next to me, and Sean Opperman, who is up at the
14	dais as the committee director with Senator Hinojosa
15	currently.
16	SENATOR POWELL: And which of these lines for
17	Senate District 10 did you draw and which did they draw?
18	SENATOR HUFFMAN: I was in the room when every
19	part of this map was drawn.
20	SENATOR POWELL: Okay. And which --
21	SENATOR HUFFMAN: And they didn't do anything
22	without my direction.

Immediately after this, State Defendants played Senator Huffman's response to a subsequent question by Senator Powell but omitted the question providing context for the response. Brooks Ex. 52 at 14:20-15:4; *see also* Tr. Day 13 at 92:9-93:2.

20 SENATOR HUFFMAN: I recall you saying that
21 there is something very similar, I do. Yes.

22 SENATOR POWELL: Okay. So our staff was told
23 that, quote, legal was reviewing the draft plans for
24 legal compliance of these maps. So would you tell us
25 again who exactly constitutes that group of legal.

14

1 SENATOR HUFFMAN: As I said, I drew the maps,
2 I presented them to the attorney general's office to
3 check for legal compliance under all laws in the
4 United States constitution.

Next, State Defendants again played Senator Huffman's response to a subsequent question by Senator Powell, while omitting the preceding question giving context for the response; omitted the following colloquy between the Senators; and then played Senator Huffman's response to the final question in the colloquy, again omitting the immediately preceding question. Brooks Ex. 52 at 17:24-20:7; *see also* Tr. Day 13 at 93:3-94:20.

24 SENATOR POWELL: All right. Senate District
25 10 is, I believe, the only majority-minority voting-age

17

1 population district that you have intentionally turned
2 into a majority Anglo voting-age population district.
3 It's also the only district that was nearly perfectly
4 populated until you so radically changed it. So I'd like
5 to invite you to come to my Black and Latino constituents
6 before you dismantle their district. Is the committee
7 willing to come to Tarrant County and maybe more
8 specifically to the areas of Fort Worth and Mansfield and
9 Arlington that are so dismantled with regard to their
10 representation to the representation of Black and Brown
11 and Asian populations?

12 SENATOR HUFFMAN: Senator Powell, and I've
13 stated it, and I will state it again, we create these
14 maps race blind. We have not looked at any racial data
15 as we drew these maps. And to this date, I have not
16 looked at any racial data. So the comments that you make
17 are your comments, but I have not drawn these maps on a
18 racial basis. As you know, the committee has not been
19 able to do public -- going to other parts of the state
20 because of the COVID situation. We wanted to do that
21 during the interim, and as we all know the pandemic that
22 we've been under. We also find ourselves in a special

23 session drawing these maps which was not ideal because
24 the time is more compressed which does not provide some
25 of the flexibility that you may have in a regular session

1 for traveling the state.

2 SENATOR POWELL: So you have a special rule,
3 the only group who cannot tell you about how
4 redistricting affects them are the minority voters in my
5 district.

6 SENATOR HUFFMAN: No, that is not my special
7 rule. So please do not put words in my mouth,
8 Senator Powell.

9 SENATOR POWELL: But you're unwilling to
10 consider or to hear their concerns, the concerns of the
11 Black and Latino voters.

12 SENATOR HUFFMAN: I welcome every citizen to
13 come and talk to us. They also can put their concerns in
14 the portal, which we are all reading and looking at and
15 taking to heart, and they are welcome to come here today
16 or all day tomorrow to speak to us.

17 SENATOR POWELL: Yet we're all looking and
18 reading about and hearing about at 9:00 at night on the
19 night before a 10:00 hearing. So I am going to end my
20 remarks here --

21 SENATOR HUFFMAN: Yes, ma'am.

22 SENATOR POWELL: -- by inviting this

23 committee, by inviting you to come to Senate District 10,
24 the only district that you have concentrated on
25 dismantling, and hear from those populations, from the

1 Black and the Brown and the Asian communities --

2 SENATOR HUFFMAN: Yes, ma'am.

3 SENATOR POWELL: -- whose voices have been
4 diluted in this map and who are being dismantled in these
5 maps that are drawn in late hours of the evening in which
6 we have little to no input other than to tell you that
7 our district was in the standard deviation of continuing
8 to exist with its current boundaries. And with that,
9 I'll say thank you.

10 SENATOR HUFFMAN: Thank you, Senator Powell.
11 I am going to answer to your comment. Our approach to
12 this process was informed by the redistricting
13 jurisprudence from the United States Supreme Court as
14 well as other applicable precedent. Several key cases
15 are worth highlighting, Abbott v. Perez, 2018 Supreme
16 Court case; Cooper v. Harris, a 2017 Supreme Court case.
17 They make clear that any redistricting decision is made
18 on the basis of race must be narrowly tailored to achieve
19 compliance with the Voting Rights Act. In Cooper v.
20 Harris, Justice Kagan writing for the majority held when
21 a state invokes the VRA to justify race-based

22 districting, it must show to meet the narrow tailoring
23 requirement that it have a strong basis in evidence for
24 concluding that the statute requires its action. That
25 was Cooper v. Harris, a 2017 Supreme Court case, quoting

1 Alabama Legislative Black Caucus v. Alabama, a 2015 case.
 2 Based on this warning against race-based
 3 districting, I drafted all of the proposed maps totally
 4 blind to race. Once I had drafted the maps, I ensured
 5 that they underwent a legal compliance check to ensure
 6 there were no inadvertent violations of any law,
 7 including the Voting Rights Act. Thank you.

II. State Defendants' Clip 6 (JEX 4262 – Video; JEX 4232 – Transcript)

State Defendants also played the following exchange between Senator Huffman and Senator Powell from the October 4, 2021, Senate Floor Debate. JEX 4232 at 51:12-52:9.

12 SENATOR POWELL: Okay. So I -- I hear you
 13 say that you didn't look at racial data, but you would
 14 agree that urban areas in Fort Worth and Dallas have
 15 large concentrations of minority voters; wouldn't you?
 16 SENATOR HUFFMAN: I am not going to make
 17 assumptions based on race, period, all right? I have
 18 followed the law, and I'm -- I'm not going to get into
 19 that -- a racial discussion with you. I followed the
 20 law. I've done what it's required me to do and what I
 21 wanted to do, and I'm going to leave it at that.
 22 SENATOR POWELL: So you're basically saying
 23 that despite serving on the redistricting committee for
 24 the past two cycles, and chairing the committee this
 25 cycle, and listening to witnesses who have testified

1 from both redistricting cycles, that you came to the
 2 process completely unaware that mi- -- minority voters
 3 are concentrated in urban areas of Dallas and Fort
 4 Worth?
 5 SENATOR HUFFMAN: Senator Powell, of course
 6 I have an awareness that there are minorities that live
 7 all over this state, all right, but I blinded myself to
 8 that as I drew these maps and did not make map decisions
 9 based on racial determinations, period, all right?

State Defendants then omitted the response from Senator Powell; omitted the subsequent colloquy between the Senators; played Senator Huffman's response to a later question in the colloquy, while again omitting the question that provided context for the response; omitted the subsequent colloquy between the Senators; played one full exchange between the Senators; omitted the following colloquy; and then played one full exchange between the Senators. JEX 4232 at 52:10-58:17; *see also* Tr. Day 13 at 112:3-113:21.

10 SENATOR POWELL: Well, let's take a look at
 11 where minority populations increased and decreased in
 12 your Senate proposal.
 13 SENATOR HUFFMAN: Okay.
 14 SENATOR POWELL: Five of the districts with
 15 the largest increases in their minority population were
 16 Districts 3, 18, 22 and then 24 and 30, all of which --
 17 that's really five districts; isn't it -- all of which
 18 today are Anglo-majority or super-majority districts,
 19 and all of which have been won by Anglo Republican
 20 candidates by large margins. So me -- let me just say
 21 that again.

22 SENATOR HUFFMAN: I don't know the question,
23 so what's the question?

24 SENATOR POWELL: All right. Five of the
25 districts with the largest increases in their minority

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1 population --

2 SENATOR HUFFMAN: And what -- what are you
3 calling minority population? How do you define that?
4 Are you talking about majority/minority, just --

5 SENATOR POWELL: I would say --

6 SENATOR HUFFMAN: -- have some minorities?

7 SENATOR POWELL: -- Hispanic, Asian
8 Americans, African Americans. Those are minority
9 populations.

10 SENATOR HUFFMAN: Well, I -- I do know what
11 minority populations are, Senator. My question was,

12 when you call it a minority district, I was wondering
13 what you were referring to so I could answer the
14 question legally, appropriately.

15 SENATOR POWELL: What I -- what I said was
16 five of the districts with the largest increases in
17 their minority populations, and I would say a combined
18 minority population.

19 SENATOR HUFFMAN: And which districts did
20 you name in that?

21 SENATOR POWELL: They are District 3,
22 Senator Nichols; 18, Senator Kolthorst; 22, Senator
23 Birdwell; 24, Buckingham; and 30, Senator Springer's
24 district.

25 SENATOR HUFFMAN: None of those are

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1 protected districts under the VRA.

2 SENATOR POWELL: Well, then, I would ask
3 you, of these five districts, how did it happen that
4 these five districts, safe Republican districts
5 dominated by Anglo voters, under your proposal now see
6 some of their largest increases in minority voters?

7 SENATOR HUFFMAN: I told you, Senator
8 Powell, I drew blind to race. I would suggest to you
9 that there are -- it's a very rich, diverse state, and
10 there are minorities that live throughout our state, and
11 we're blessed by that. I drew blind to race, so,
12 naturally, there are going to be differences --

13 SENATOR POWELL: So it was just --

14 SENATOR HUFFMAN: -- in the state.

15 SENATOR POWELL: -- by chance or by
16 coincidence that -- that those Anglo-dominated
17 senator -- Senate districts now see increases of
18 minority voters?

19 SENATOR HUFFMAN: I told you how I drew the
20 maps, ma'am.

21 SENATOR POWELL: Okay. By the proposed map,
22 a number of Senate districts saw their minority
23 populations decrease even though minorities were
24 responsible for almost four million people in growth in
25 Texas.

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1 So in the proposed map, five seats saw their
2 minority voting age population decreased by more than
3 five percentage points. Those were districts like
4 Senator Hancock's District 8, Senator Hanc- -- Senator

5 Hancock's District 9 -- let me say that again because I
6 think I didn't say it right.

7 Those districts were Senator Paxton's
8 District 8; Senator Hancock's 9; 10 -- your district,
9 Senate 17; and Senator Campbell's district, 25.
10 District 9, Senator Hancock, has a 12-percentage point
11 decrease. District 10 has, roughly, a 10-percentage
12 point decrease, and your district, Senator Huffman, has

13 a 5.6 percentage point decrease in minority voters.
14 Would you --
15 SENATOR HUFFMAN: I have not looked at that
16 number.
17 SENATOR POWELL: Okay. Well, I've -- I
18 showed you maps that illustrated -- those -- those
19 shaded maps that illustrated voter population.
20 SENATOR HUFFMAN: I did not look at the
21 shaded maps, and you know I did not look at the shaded
22 maps, so please do not corrupt the record by saying I
23 looked at the shaded maps.
24 SENATOR POWELL: Well, I can tell you that I
25 was elected by the votes of minority voters in my

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1 district. Would you agree that that's correct?
2 SENATOR HUFFMAN: I don't -- I don't know
3 who voted for you, Senator Powell.
4 SENATOR POWELL: All right. You heard quite
5 a bit of testimony that I was the candidate of choice
6 for minority voters in Tarrant County. Would you agree
7 with that?
8 SENATOR HUFFMAN: I did hear a county
9 commissioner say that, yes.

10 SENATOR POWELL: So SD 10 is a district in
11 which minority voters are currently succeeding in
12 electing their candidate of choice, and I would assume
13 that -- that after hearing testimony, that you would
14 agree with that?

15 SENATOR HUFFMAN: I don't know that. I do
16 know that the county commissioner said he had come to
17 you and asked you to run --

18 SENATOR POWELL: That's right.

19 SENATOR HUFFMAN: -- that they -- they
20 really liked you. I remember that.

21 SENATOR POWELL: Thank you.

22 SENATOR HUFFMAN: Yeah. Had very nice
23 things to say about you.

24 SENATOR POWELL: And you would agree that
25 Districts 8, 9 and 17 in the current map are among the

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1 districts where minority voters are on the verge of
2 electing their preferred Senators, and, in fact,
3 minority-preferred candidates like President Biden,
4 carried those districts. That's 8, 9 and 17.

5 SENATOR HUFFMAN: I know nothing about that.
6 I have not looked at those numbers. I don't agree with
7 you. I don't know those numbers.

8 SENATOR POWELL: So it's hard for me to
9 understand -- and maybe you can explain it to me -- how
10 it came to be that you didn't have any racial data

11 before you, yet, you somehow randomly came up with a
12 district plan in which minority populations increased in
13 districts where Anglo control is safely established, and
14 those same minority populations decreased in districts
15 where minority voters either controlled or were close to
16 controlling their electoral results.

17 SENATOR HUFFMAN: I blew the -- I drew the
18 maps blind to race.

19 SENATOR POWELL: So, again, is blind to race
20 just by chance or coincidence that you have drawn a map
21 that disenfranchises majority/minority voters?

22 SENATOR HUFFMAN: Well, I disagree with your
23 assessment of how I drew the map. I told you I drew
24 blind to race, and that is what I did.

25 SENATOR POWELL: All right. Does it concern

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1 you at all that minority voters con- -- constituted
2 nearly all of the population increase in Texas over the
3 past decade? And you heard from many of them during the
4 process, yet, you've drawn a plan that reduces the
5 number of districts in which minority voters can elect
6 their preferred candidates.

7 SENATOR HUFFMAN: I do not know that to be
8 the case. I don't dis- -- I don't agree with that
9 statement.

10 SENATOR POWELL: Does it concern you, then,
11 that Tarrant County is majority/minority, yet, your plan

12 provides zero Senate districts in which Tarrant County
13 minority voters would ever elect their candidate of
14 choice?
15 SENATOR HUFFMAN: I have followed the law.
16 I drew blind to race. I believe the maps I've drawn are
17 compliant under the Voting Rights Act.

Brooks Plaintiffs respectfully request that the Court accept the foregoing Rule 106 completeness evidence.

June 10, 2025

Respectfully submitted,

/s/ Chad W. Dunn

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CERTIFICATE OF SERVICE

I certify that on June 10, 2025, the foregoing document was filed electronically with the Clerk of the United States District Court for the Western District of Texas and served on all parties of record via the District Court's CM/ECF system.

/s/ Chad W. Dunn
Chad W. Dunn